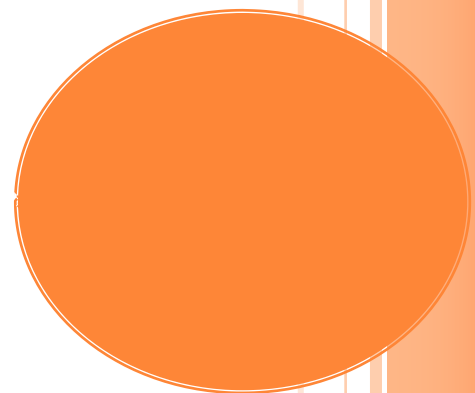


*STRATEGY BRIEFS:*  
*HOMELESSNESS PREVENTION*

November 19, 2015



#### 4. POTENTIAL HOMELESSNESS PREVENTION STRATEGIES

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### Potential Strategy 4.1

*Fund a regional homeless prevention system that provides eviction prevention, targeted diversion services, financial assistance, case management, and legal services to individuals and/or families in imminent danger of homelessness*

#### 1. Description of the proposed strategy

Los Angeles County's homeless prevention system should be a comprehensive strategy to effectively identify, assess, and prevent households from becoming homeless. The plan consists of a multi-faceted approach to maximize and leverage funding and resources, evaluate and potentially modify policies that govern existing prevention resources to allow greater flexibility, prioritize resources for the most vulnerable populations, and create an outreach and engagement strategy to identify access points for people at risk of homelessness. The major areas critical to developing a homeless prevention system in Los Angeles County involve identifying additional and targeting current resources from multiple systems to focus on homeless prevention.

- A. **Develop an approach to homeless prevention across multiple systems, supportive services and homeless services.** A homeless prevention system in Los Angeles County must take into consideration the various services and mainstream systems that work with those at risk of being homeless. Prevention approaches will vary based on the level of need, risk factors and access to resources. Core elements of a homeless prevention system would include rental assistance, legal and/or mediation services for eviction prevention, employment services, immediate alternative housing options, and leveraging other income supports. For implementation, the program could work with key public and private partners that already provide critical prevention services and supports, including; city governments, county departments, faith-based organizations, community-based organizations, and schools. In this strategy, an assessment of existing prevention resources and how they can be integrated and linked across various programs, resources and services will be critical to informing how different systems and services can use their current resources for homeless prevention and design services and interventions that best meet the needs of the those in need.
- B. **Identify and review potential administrative barriers to better target and allocate homeless prevention interventions and programs.** Since those at risk of becoming homeless access various systems and services through different agencies that are funded from different sources, it is difficult to create uniform policies and practices across multiple agencies and mainstream benefits because of the risk factors, service needs and characteristics of those accessing particular systems. Some barriers could be eliminated through better information dissemination, linkages to resources and service coordination.

**C. Review and evaluate the creation of a universal assessment.** A universal assessment could be used (perhaps as part and parcel of the assessment tool currently employed in coordinated entry systems) to identify people who are at risk of experiencing homelessness. Households with the most imminent and intense housing crises could be prioritized based on factors contributing to their level of risk for homelessness, as well as barriers to independently re-establishing and maintaining housing stability. An evaluation of existing assessments will inform the use of a universal assessment and their applicability to homeless prevention.

**D. Develop program thresholds for rental assistance.** It is anticipated that rental assistance will be a primary intervention for a County homeless prevention system. In developing a homelessness prevention design, there would need to be program thresholds for rental assistance for each targeted subpopulation. This would involve assessing the cost and sustainability of the program. The threshold could take into consideration prioritizing individuals and families with the greatest potential to stay housed after one-time or short-term assistance.

**2. Target Populations.** All persons at-risk of homelessness would be eligible to homelessness prevention system assistance. Differentiating the target at-risk population by subpopulations, i.e., families, transition age youth, single adults, veterans, is just one strategy to identify and address the unique needs of each group, as each subpopulation may vary in the types and levels of interventions critical to preventing homelessness. Because various systems and programs serve various populations, targeting resources for prevention will require a multi-faceted and coordinated approach.

**3. Opportunities that make this proposed strategy feasible (is this currently done elsewhere? is there legislation that makes this possible?)**

The Homeless Family Solution System (HFSS) is a model that can help inform and guide proposed strategies for future homeless prevention strategies, even though HFSS is currently focused on families who are already homeless. Through the Homeless Family Solution System, there is funding from the County and the City of Los Angeles. The HFSS program has served as a national model, and is a new system of service delivery in Los Angeles County developed to improve and expedite the delivery of housing and other supportive services to homeless families in Los Angeles County. The Family Solutions System (FSS) was developed by a collaboration of family homeless service providers and other publicly funded agencies and adopted in 2013 by the Los Angeles Homeless Continuum of Care. Currently, homeless prevention is not adequately funded to support the HFSS. However, in October 2015, the Los Angeles County Board of Supervisors approved \$2 million to support homeless prevention for families. LAHSA will be administering this funding and the design and implementation of this could potentially be used to inform and guide homeless prevention for other subpopulations.

Supportive Services for Veteran Families (SSVF) also targets very low income veterans who are at or below 50% of AMI. These funds can be used to provide rental assistance, utility payments, moving costs, housing, supportive services and others. This program can serve as yet another model in developing a homeless prevention system across Los Angeles County.

The cities of Santa Monica and West Hollywood have examples of prevention systems with flexible spending options and additional supports, including direct linkage to mediation or no-cost legal counsel that are effective in preventing homelessness. Upon further evaluation, these models may be helpful in assessing how local resources can be used to support prevention programs.

DPSS currently funds eviction prevention for CalWORKs welfare-to-work families, and short-term rental subsidies for certain CalWORKs welfare-to-work families. This funding could potentially be leveraged and/or the associated eligibility rules could potentially be modified as part of a comprehensive system to prevent homelessness among families.

Additionally the development of coordinated entry systems across the country, which streamline and facilitate access to appropriate housing and services for individuals, (and in some instances families) experiencing homelessness, may serve as an opportunity to expand on existing infrastructure. Some coordinated entry systems have allocated prevention resources to assist not only with rental subsidies, but also with items that may lead to eviction (e.g. damage to a rental unit by a high-acuity placement). Coordinated entry is already having a real and measurable impact across the country on community efforts to end homelessness. As communities move forward in the development of their own coordinated entry systems, tailored to their local contexts, sharing best practices and lessons learned across the country is becoming even more essential.

This is a time where there is increased emphasis on collaboration, sharing of best practices, and funding going toward homeless assistance, which can make homeless prevention strategies more feasible.

Research at the national level will be instrumental to informing and guiding how prevention is approached at a countywide level in Los Angeles. Dr. Dennis Culhane of the University of Pennsylvania released a study in September 2014 titled “Development and Validation of an Instrument to Assess Imminent Risk of Homelessness among Veterans”. This study emphasizes the importance of targeting resources when it comes to prevention.

#### **4. Barriers to implementing the proposed strategy and recommendation on how they can be resolved**

Potential barriers to implementing a regional homelessness prevention program are funding limitations to support homeless prevention programs in general. Currently, HUD is prioritizing Housing First, Rapid Rehousing, and Permanent Supportive Housing programs. Greater follow-up coordination and an emphasis on retention to keep people served by these programs housed would contribute toward prevention goals. Additionally, some State and federal eligibility restrictions to qualify for housing assistance may serve as potential barriers.

Although DPSS currently funds eviction prevention for CalWORKs welfare-to-work families, there are limitations and barriers to accessing such assistance. For example, Emergency Assistance to Prevent Eviction (EAPE) is limited to the welfare-to-work population, is a once-in-a-lifetime benefit, and provides up to \$2,000 to help pay rent and/or utilities for up to two months in arrears to assist the family in maintaining permanent housing. DPSS' Homeless Assistance Arrearage Payments are also a once-in-a-lifetime benefit and can pay for up to two months rent arrearages to prevent eviction; however, as required by the State, the family's monthly rent costs cannot exceed 80 percent of the total monthly household income.

#### **5. Potential Performance Measures**

- A. Percentage reduction in newly homeless individuals and/or families requesting homeless services (or other indicators).
- B. Percentage increase or positive change in the number of people receiving eviction prevention services.
- C. Percentage increase in employment and income among potentially homeless persons or families.
- D. Percentage reduction in the number and rate of evictions.

#### **6. Potential funding stream(s)**

- A. Explore pooling or blending of resources to allow flexibility to fund different program components, needs, and/or eligibility.
- B. Evaluate federal, State, local, and department regulations to identify restrictions tied to various funding sources, and match the funding sources to proposed program activities in order to ensure all program activities can be supported.
- C. Review potential resources from public sources (local cities, County of Los Angeles, State and federal funding) and private sources (corporations, non-profits, faith community, foundations).
- D. Explore and consider leveraging resources from mainstream systems to support victims of Domestic Violence,
- E. Some organizations may already be funded to provide eviction prevention and employment services. Working with these organizations to prioritize potentially

homeless persons and families will open additional leveraging of resources to support homelessness prevention.

- F.** FSS: Some jurisdictions operate Family Self-Sufficiency programs, which provide income and housing empowerment services to low-income households on Section 8. The same activities could be leveraged to support non-Section 8 households at risk of homelessness.
- G.** The CalWORKs Single Allocation for services to CalWORKs welfare-to-work families.
- H.** CalWORKs Fraud Incentive funding for services to CalWORKs non-welfare-to-work families.

**Potential Strategy 4.2**  
***Ensure that landlords have “Good Cause” for evictions***

### 1. Description of the proposed strategy

Adopt a Good Cause for Eviction ordinance in the Unincorporated Areas and Encourage All Cities in the County to Adopt a Good Cause for Eviction Ordinance. Adoption and implementation of Good Cause for Eviction ordinances could be a part of a comprehensive strategy to address homelessness in Los Angeles County. Absent good cause protections, tenants are subject to eviction, and the attendant risk of homelessness, at the whim of their landlords, without any fault of their own. Under Civil Code sections 1946 and 1946.1, a landlord can terminate a tenancy without cause by serving a 60-day notice to quit; if the tenancy has lasted less than one year, the landlord may serve a 30-day notice to quit. A tenant generally has no defense to such an eviction and is forced to find new housing in a very short period, exposing the tenant to the risk of temporary or longer-term homelessness.

While the City of Los Angeles and several other cities in the County<sup>1</sup> have successfully implemented good cause ordinances, most cities in Los Angeles County do not have good cause for eviction protections, and there is no good cause ordinance applicable to the unincorporated areas of Los Angeles County. Requiring that a landlord have good cause for eviction will provide tenants with an additional layer of protection against the risk of homelessness. Good cause for eviction laws differ in their specifics, but typically consist of the following features:

- A landlord must have cause to evict a tenant, eliminating the landlord’s ability to evict for no reason on 30 or 60 days notice under Civil Code sections 1946 and 1946.1.
- Evictions must be based on one of the grounds specified in the Ordinance and the eviction notice must describe the basis for eviction in sufficient factual detail to allow the tenant to prepare a defense.
- Allowable grounds for eviction include circumstances in which a tenant is at fault, such as non-payment of rent, lease violations, nuisance, or illegal activity.
- Eviction is also permitted in limited circumstances where a tenant is not at fault, such as: landlord or relative of landlord intends to move into unit; landlord removing the unit from the rental market; capital improvement and rehabilitation; compliance with a government order to vacate.
- A landlord is required to provide an extended notice period and may be required to pay relocation assistance when eviction is based on an allowable no-fault ground, though this provision doesn’t necessarily apply to all types of rental units.

<sup>1</sup> Santa Monica, West Hollywood, Beverly Hills, and Glendale.



A Good Cause for Eviction ordinance would not impose any direct costs on the County other than staff costs, which could be covered by fees. For example, the City of Los Angeles' Housing and Community Investment Department's enforcement and administrative costs are covered by registration fees and penalties. Because unincorporated Los Angeles County has a lower number of residential units potentially subject to good cause requirements, the costs could be expected to be substantially lower than in the City of Los Angeles.

Adoption of a good cause ordinance in the unincorporated areas could be coupled with a County effort to encourage all cities in the County (who have not already done so) to adopt a good cause ordinance.

**2. Opportunities that make this proposed strategy feasible (Is this currently done elsewhere? Is there legislation that makes this possible?)**

Soaring rental rates in many California cities have attracted significant media attention in recent years, raising awareness of the need for tenant protections. This awareness has created a political climate favorable to the enactment of good cause for eviction ordinances. Notably, in July 2015, the City of Richmond passed the first new rent control ordinance in California in decades, which also included good cause protections.<sup>2</sup> The City of Alameda also implemented good cause protections in October 2015. In addition, both San Diego and Glendale have successfully implemented a version of good cause protections.

**3. Barriers to implementing the strategy and recommendations on how they can be resolved**

The primary barriers to implementing this strategy would be resistance from the landlord community. In addition, some may also be concerned with the limited efficacy of good cause protections in the absence of rent control, particularly given the housing stock of the unincorporated areas that might be covered by a Good Cause for Eviction ordinance enacted at the County level.

Existing state law does not place any limits on the ability of a landlord to raise rent, allowing landlords to circumvent good cause requirements by raising the rent to an unaffordable amount and evicting a tenant for failure to pay. Rent control laws limit a landlord's ability to increase the rent, typically restricting the allowable increase to one annual increase of a percentage tied to the change in the Consumer Price Index, thus eliminating a landlord's ability to circumvent good cause requirements. For this reason, good cause protections are strongest, when implemented in conjunction with rent control, as is the case in the City of Los Angeles, Santa Monica, Beverly Hills, and West Hollywood.

<sup>2</sup> Karina Ioffe, *Richmond becomes first city in Contra Costa to approve rent control*, CONTRA COSTA TIMES, July 22, 2015.

The county's ability to implement rent control measures is, however, limited by the Costa-Hawkins Act and political circumstances. The Costa-Hawkins Act<sup>3</sup> prohibits new rent control measure on properties first occupied after 1996. As 84 percent of the housing stock in unincorporated Los Angeles County was constructed prior to 1990,<sup>4</sup> the potential negative impact of Costa-Hawkins on a rent control ordinance in the unincorporated areas would be limited. The larger barrier to implementation of rent control is likely opposition from landlord groups. However, even in the absence of rent control, a good cause ordinance would still be useful in protecting tenants from inappropriate evictions.

Another limitation is that any good cause ordinance adopted by the County would apply only to unincorporated areas of the county, as was the case with the county's previous rent control ordinance, which expired in the 1980's.<sup>5</sup>

Based on the housing stock of unincorporated Los Angeles County, the positive impact of good cause protections would be limited unless those protections also included single family dwellings. There are approximately 300,000 households in unincorporated Los Angeles County.<sup>6</sup> 62 percent of these households are homeowners,<sup>7</sup> and single-family homes, which are often exempt from good cause and rent control laws, comprise 77 percent of the housing stock in unincorporated areas.<sup>8</sup>

#### 4. Potential performance measures

To measure the direct impact of a good cause ordinance on homelessness, it would be necessary to obtain data regarding the number of no-cause evictions filed in unincorporated areas of the county and track whether those evictions resulted in homelessness for the tenants involved. It is unclear whether this data is available. Indirect measures could include an overall reduction in evictions.

#### 5. Potential funding streams

Fees for enforcement

<sup>3</sup> Civil Code §§ 1954.50 et seq.

<sup>4</sup> Southern California Association of Governments, *Profile of the Unincorporated Area of Los Angeles County* (May 2015) (hereafter, "Profile"), p. 16, available at <http://www.scag.ca.gov/documents/unincarealosangelescounty.pdf>.

<sup>5</sup> Los Angeles County Municipal Code §§ 8.52.010 et seq.; see *Vega v. City of W. Hollywood*, 223 Cal. App. 3d 1342, 1345, (1990) (Los Angeles County rent control ordinance did not apply to incorporated West Hollywood); see generally *Eclevea et al.*, 45 CAL. JUR. 3D MUNICIPALITIES § 243.

<sup>6</sup> Profile at 9.

<sup>7</sup> *Id.* at 11.

<sup>8</sup> *Id.* at 16.

**Potential Strategy 4.3**  
***Adopt a “Tenant Protection” or “Anti-Harassment” Ordinance***

**1. Description of the proposed strategy**

Tenants are sometimes harassed out of their housing by landlords. The County and the various Cities in Los Angeles County that have not already done so could pass tenant protection ordinances to ensure that low-income tenants are not illegally forced out of their homes and into homelessness.

**2. Opportunities that make this proposed strategy feasible (Is this currently done elsewhere? Is there legislation that makes this possible?)**

Santa Monica, West Hollywood, San Francisco, Oakland, and East Palo Alto already have tenant protection laws that prohibit harassment. These laws do not prohibit the lawful eviction of tenants by appropriate legal means. They do, however, identify specific behaviors that landlords are prohibited from using to fraudulently or in bad faith bully or harass tenants out of their housing. For example, Santa Monica’s ordinance identifies twelve actions that landlords are not allowed to take and are considered bad faith actions. These include failing to comply with local and State health and safety laws, refusing to acknowledge receipt of rental payments, landlords abusing their right of access to the unit, and threatening tenants with physical harm. The Santa Monica ordinance defines bad faith as “an intent to vex, annoy, harass, provoke or injure another person.”

**3. Barriers to implementing the proposed strategy and recommendation on how they can be resolved**

No barriers, other than the politics of the measure.

**4. Potential performance measures**

Number of jurisdictions in Los Angeles County which adopt this type of policy.

**5. Potential funding stream(s)**

It will not cost anything to implement this change. Should any jurisdictions wish to include an administrative enforcement mechanism, the costs of enforcement could be fully offset by fees.

These ordinances usually provide for civil and criminal penalties. They also allow for tenants to enforce the ordinance. The Santa Monica ordinance, for example, states that each separate violation of the ordinance may be either a criminal misdemeanor (with up to six months in jail plus a \$1,000 fine), or a civil violation (subject to injunction, a fine of up to \$10,000 per violation, attorneys' fees and possible punitive damages). Perhaps most importantly for homelessness prevention purposes, a violation of the ordinance is a defense to an eviction action.

## 6. **Additional Information:**

Santa Monica's description of its tenant anti-harassment law:

[https://www.smgov.net/Departments/Rent\\_Control/Information\\_and\\_FAQ/Tenant\\_Harassment.aspx](https://www.smgov.net/Departments/Rent_Control/Information_and_FAQ/Tenant_Harassment.aspx)

West Hollywood's description of its law:

<http://www.weho.org/residents/rent-stabilization-housing/rent-stabilization/tenant-faqs/tenant-harassment-prohibition>

Article about Oakland's anti-harassment law:

<http://oaklandlocal.com/2014/12/know-your-housing-rights-part-1-tenant-protection-ordinance/>

**Potential Strategy 4.4**  
***Develop a countywide rental registry***

**1. Description of the Proposed Strategy Recommendation**

Los Angeles County could benefit from a countywide system of collecting and recording residential rental rates as part of a comprehensive strategy to prevent homelessness. This policy would require landlords to annually report the rents for their units. This information would be publicly available, either online or by request to the county. A rent registry could be implemented either as a countywide system or city-by-city, with the county responsible for collecting the information in unincorporated areas. The creation of a registry would:

- A. Help identify “hot spot” areas. The collection of rent data would provide a City with a unique opportunity for analyzing rent data to identify areas of rapidly declining affordable housing and/or fluctuations in rents by neighborhood.
- B. Supplement new and existing land use regulations. Rent data would give planners and legislators a new tool with which to more effectively regulate land use and plan for healthy communities.
- C. Ensure implementation of tenant protections offered by State law. Though unincorporated areas of Los Angeles County and many cities do not have rent stabilization ordinances, State law requires landlords to provide either a 30- or 60-day notice of any proposed rental increase. The registry would document the effective date of any rent increase.

**2. Opportunities that make this proposed strategy feasible (Is this currently done elsewhere? Is there legislation that makes this possible?)**

Los Angeles County’s affordable housing crisis has garnered national attention as it has been given the dubious title of the least affordable housing market in the country. This has created a climate that makes this proposal increasingly politically palatable. Both Santa Monica and West Hollywood have programs to track rental rates in their rent stabilized units. Santa Monica’s program is especially successful and provides a potential model for the county.

**3. Barriers to implementing the strategy and recommendations on how they can be resolved**

There is no single county department tasked with monitoring the county’s rental market. Therefore, it is unclear which agency would be responsible for implementing and maintaining the registry. Two possible solutions to this issue are housing the program within the Department of Regional Planning, which would use this information for planning purposes, or contracting with Los Angeles City’s

Housing and Community Investment Department (HCID). It is anticipated that this proposal would be opposed by landlords.

**4. Potential performance measures**

None identified.

**5. Potential funding streams**

The program could be funded by a minimal fee to landlords to cover costs. The only anticipated costs are staff time associated with collecting and organizing data.